

BOARD OF APPEALS CASE NO. 5297

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BEFORE THE

APPLICANT: Hart Heritage, Inc.

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ZONING HEARING EXAMINER

**REQUEST: Amendment to Board of Appeals Case
No. 4011 to reduce the acreage to 12.823 acres;
3708 Grier Nursery Road, Street**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 10/16/02 & 10/23/02

HEARING DATE: November 25, 2002

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Record: 10/18/02 & 10/25/02

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Hart Heritage, Inc., is requesting an amendment of a previously granted special exception in Board of Appeals Case No. 4011 (decision dated April 2, 1990), to allow a reduction in the acreage of the personal care boarding home use from the previous 23.92 acres to the proposed 12.823 acres.

The subject parcel is located at 3708 Grier Nursery Road, Street, Maryland 21154 and is more particularly identified on Tax Map 17, Grid 3D, Parcels 267 and 215. The parcel is presently zoned AG/Agricultural, consists of 12.823 acres and is entirely within the Fifth Election District.

Mr. Kenneth Skidmore appeared and testified that he has operated a personal care boarding home on the parcel since 1990 when he was granted that special exception use (Board of Appeals Case No. 4011). The name of his business is Hart Heritage, Inc. and the assisted living facility operated on the parcel currently has 30 beds. Allowed by Code is one (1) boarder per 2,000 square feet of property. Based on the requested reduction from 23.92 acres to 12.823 acres the Applicant could house up to 278 boarders and still be within Harford County Code requirements for Personal Care Boarding Home use.

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The witness indicated that he has acquired an additional acre with which he intends to widen and improve the existing narrow driveway. He has also acquired an additional development right that will allow him to divide the property into two parcels. One parcel consisting of 12.823 acres will be used for the existing assisted living home and 11.788 acres will be used by the witness to construct a home for he and his family. With the exception of the reduction in acreage, no other changes to the special exception use are contemplated or requested by this Application.

The Department of Planning and Zoning recommends approval of the request, finding it minor in nature. Even with the reduction in acreage, the Applicant's use is well within the required density of the Harford County Code. The Department pointed out the area of the parcel intended for Mr. Skidmore's personal home is not currently used by the assisted living facility.

No persons appeared in opposition to this request.

CONCLUSION:

The Applicant, Hart Heritage, Inc., is requesting an amendment of a previously granted special exception in Board of Appeals Case No. 4011 (decision dated April 2, 1990), to allow a reduction in the acreage of the personal care boarding home use from the previous 23.92 acres to the proposed 12.823 acres.

Board of Appeals Case No. 4011 allowed a personal care boarding home use on this parcel by way of a special exception. The acreage of the land at that time was 23.92 acres. The Applicant and his family live in the personal use boarding home at this time but the Applicant has acquired a development right that will allow him to subdivide the parcel into two lots, one for the personal care boarding home and one intended for his personal residence. Other than the reduction in acreage, no other conditions of use are intended to change.

Harford County Code Section 267-53F(8) requires the following:

"Personal-care boarding homes. These uses may be granted in the AG, RR, R, R1, R2, R3, R4, RO, VB and VR Districts, provided that:

- (a) The proposed use shall be located in a single-family detached dwelling.

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- (b) The proposed use meets the minimum lot size requirements for a conventional single-family residence in the district where located.
- (c) A maximum density of one (1) boarder per two thousand (2,000) square feet of lot area shall be maintained.
- (d) Adequate off-street parking shall be provided.
- (e) Where an application is for construction of a new dwelling, the building shall be similar in appearance to other single-family dwellings in the neighborhood.”

Even with the proposed reduction in acreage, the Applicant will still have a parcel size substantially larger than that required as a minimum pursuant to the Code. The Hearing Examiner agrees that the request is minor in nature and should not result in any visible impacts to adjoining parcels. The use will be the same as it has been for 12 years and no adverse impacts associated with the special exception use were brought to the attention of the Hearing Examiner.

Based on the facts of the case and the Code provisions discussed above, the Hearing Examiner recommends approval of the request, subject to the original conditions of approval imposed by the Hearing Examiner in Case No. 4011, and two additional conditions as follows:

1. The special exception use is for the benefit and use of the Applicant herein only and may not be transferred or assigned without further approval of the board.
2. That the number of Boarders be limited to 30 unless further Board approval is obtained.

Date DECEMBER 26, 2002

William F. Casey
Zoning Hearing Examiner